

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 04-2362 JB

JAMES SANDOVAL,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on the Motion to Reconsider Conditions of Convicted Defendant's Release, filed June 23, 2006 (Doc. 163). The Court held a hearing on the motion on June 23, 2006. The primary issue is whether the Court should reconsider the conditions of release and detain Defendant James Sandoval pending sentencing. Consistent with the Court's ruling at the hearing on this motion, and for the reasons given at the time of the hearing, the Court will grant the motion in part and deny the motion. The Court will amend the conditions of release to require Sandoval to participate in a mental health assessment/counseling and outpatient sex offender counseling if deemed advisable by the pretrial services office or the supervising officer. All other previously set conditions will remain unchanged.

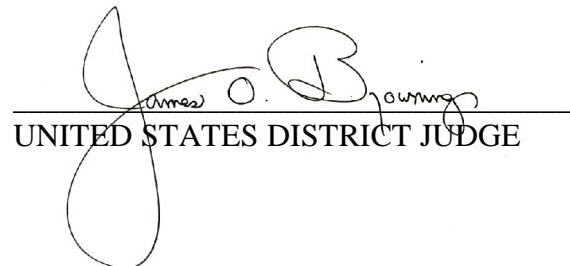
PROCEDURAL BACKGROUND

Sandoval was convicted on June 22, 2006, by jury verdict of the felony of Abusive Sexual Contact in violation of 18 U.S.C. §§2244, 2246(3). See Verdict, filed June 22, 2006 (Doc. 162). The United States moves the Court to hold a hearing to reconsider the conditions of release of Sandoval. See Motion to Reconsider Conditions of Convicted Defendant's Release at 2.

ANALYSIS

The United States requests that the Court revoke Sandoval's conditions of release and detain him. Consistent with the Court's ruling at the hearing on this motion, and for the reasons given at the time of the hearing, the Court will grant the motion in part and deny the motion.

IT IS ORDERED that the Motion to Reconsider Conditions of Convicted Defendant's Release is granted in part and denied in part. The Court will not order the detention of Sandoval. The Court will amend the conditions of release to require Sandoval to participate in a mental health assessment/counseling and outpatient sex offender counseling if deemed advisable by the pretrial services office or the supervising officer. All other previously set conditions will remain unchanged.



James O. B. Johnson
UNITED STATES DISTRICT JUDGE

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